

Item 3: Decision Adoption – EOP by the United States of America

UN Human rights Council – 12th Session Resolution: Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health Delivered by Chargé Douglas Griffiths

Geneva, October 2, 2009

Thank you, Mr. President.

The United States wishes to make an explanation of position with regard to the Human Rights Council Resolution entitled: Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

First of all, the United States wishes to express appreciation for the inclusive and transparent manner in which Brazil has handled the negotiations.

This resolution addresses an issue of tremendous importance. Improving access to medicines is an important priority for the United States. That is why President Obama has requested \$63 billion over the next six years to fight global diseases. Our investments in programs to combat HIV/AIDS, malaria, TB and other diseases save millions of lives, reduce maternal and child mortality, and reflect our nation's leadership as a positive force for progress around the world. A recent example of our commitment is the President's decision to make ten percent of the U.S. H1N1 vaccine supply available to other countries, through the World Health Organization. In concert with partners, we will assist those who would not otherwise have direct access to the vaccine.

The United States has strong concerns with a number of the provisions of the resolution. The United States regrets that the resolution, in the context of human rights, has a select emphasis on issues of intellectual property and trade. There

are clearly broader issues and challenges for countries related to access to medicines, including tax and tariff policies and sufficient health systems in place to support health delivery, services, and access at the national level. The United States supports the Doha Declaration on TRIPS and Public Health and wishes to emphasize that nothing in this resolution is intended to or should be interpreted as altering the scope or meaning of that Declaration.

In operative paragraph 2, the resolution stresses the responsibility of states to ensure access to all. The U.S. interprets this as a responsibility to be progressively realized and joins with others in aspiring toward achieving such a goal.

The resolution invites the Office of the High Commissioner for Human Rights (OHCHR) to convene an expert consultation on these issues and provide a platform for the exchange of views. If this is to be pursued, the OHCHR needs to recognize that there have been significant discussions in other UN bodies and the World Trade Organization (WTO) on these issues, including a multi-year process at the World Health Organization (WHO) by a Commission on Public Health, Innovation, and Intellectual Property Rights that resulted in the adoption of the WHO Global Strategy and Plan of Action in 2008. There are also a number of procedural issues related to forming an appropriately representative expert consultation. We understand that, if this invitation is accepted, the mandate is for a single consultation involving an exchange of views and a summary of the discussions provided by the Special Rapporteur.

We would also like to encourage the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to consider and focus on other areas of his mandate, those that have been more neglected. The Special Rapporteur has already devoted notable time to issues related to IP and trade; the resulting 28-page report from March of this year largely revisited issues that have already been addressed in the WTO and WHO efforts noted previously.

While the United States will not block the adoption of this resolution by consensus, we wish this statement to be placed on the record.